

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID A. COATES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

CASE NO. 12-cv-05494 RBL

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration pursuant to sentence four of 42 U.S.C. § 405(g) (ECF No. 20).

¹ Carolyn W. Colvin became the Acting Commissioner of the Social Security Administration on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the defendant in this suit.

1 After reviewing defendant's stipulated motion and the relevant record, the undersigned
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the
3 Commissioner.

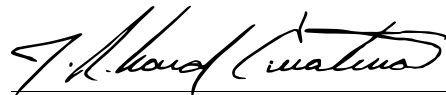
4 On remand, based on the parties' stipulation, this Court recommends that the
5 Administrative Law Judge hold a new hearing and issue a new decision. On remand, the ALJ
6 should re-evaluate the medical evidence, specifically the opinion of Dr. Thomas Green. Also,
7 the residual functional capacity, credibility and step five determinations will be re-evaluated, as
8 necessary, including securing additional VE testimony.

9 This Court further recommends that the ALJ take any other actions necessary to develop
10 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
11 to the ALJ on remand.

12 Plaintiff will be entitled to reasonable attorney's fees and costs pursuant to the Equal
13 Access to Justice Act, 28 U.S.C. § 2412(d), following proper request to this Court.

14 Given the facts and the parties' stipulation, the Court recommends that the District Judge
15 immediately approve this Report and Recommendation and order the case be **REVERSED** and
16 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501
17 U.S. 89 (1991).

18 Dated this 22nd day of February, 2013.

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21 J. Richard Creatura
22 United States Magistrate Judge
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